

Aug. 9. 1977

STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

MASCOMA VALLEY REGIONAL EDUCATION
ASSOCIATION, Affiliated with NHEA/NEA

and

CASE NO. T-0290

MASCOMA VALLEY REGIONAL SCHOOL DISTRICT:
SUPERVISORY UNION NO. THIRTY-TWO

77-21

APPEARANCES

Representing the Mascoma Valley Regional Education Association:

- Sally Potter, Project Director, NHEA/NEA
- John Fessenden, UniServ Director, NHEA/NEA
- Peter McShane, MVREA
- William Bellion, MVREA
- Susan Rowe, MVREA
- Donald Kessler, UniServ Director, NHEA/NEA

Representing the Mascoma Valley Regional School District:

- John B. Hammond, Member of the School Board
- Daniel J. Whitaker, Superintendent
- Bernard A. Davis, Principal, Mascoma Valley Regional High School

Hearing Officer, May 17, 1977:

Richard H. Cummings, PELRB Board Member

FINDINGS

1. The issue before PELRB in this case is the creation of the bargaining unit for the Mascoma Valley Regional Education Association. There exists between the Mascoma School Board and the Teachers Association a mutual agreement on the composition of the bargaining unit with the exception of the department chairmen. Therefore, the only issue for hearing is the status of the department chairmen and their inclusion or exclusion in the proposed bargaining unit
2. On May 17, 1977, Hearing Officer, Richard H. Cummings, PELRB Board Members and Clerk, Evelyn C. LeBrun held a pre-election conference at the Mascoma Regional High School, Lebanon, New Hampshire. At this conference, representative of the School Board, John B. Hammond, raised an objection to the presence of NHEA members contending that they did not represent the Mascoma teachers. Objection was noted by the Hearing Officer who ruled that the teachers association could be represented by members of their affiliation.

Mr. Hammond also raised an objection to the inclusion of department chairmen into the proposed bargaining unit on the basis of the merit system in the district.

Hearing Officer, Richard Cummings, after detailed discussion on the merit system and duties of the department chairmen ruled that they be included in the bargaining unit.

Representative of the School Board objected to the Hearing Officer's decision and requested a hearing before the full Board of the Public Employee Labor Relations.

3. PELRB hearing held on June 10, 1977 in Room 306 of the Legislative Office Building, Concord, New Hampshire with Chairman Edward J. Haseltine, Members, Richard H. Cummings, Edward L. Allman, James C. Anderson and Clerk, Evelyn C. LeBrun. Absent: Board Member, Joseph B. Moriarty.
4. The School Board by its representative, John B. Hammond, alleged that the Department Chairmen were in fact supervisory in nature and should not be part of the bargaining unit and further that the Department Chairmen performed certain evaluations of the teaching faculty and that they were a part of the administrative staff.

Oral testimony traced the responsibilities of supervisory positions which included the principals and vice principals and indicated certain monetary stipends paid for the duties of department chairmanship and, further, that chairmen participated in budget preparation. Further, that inclusion of the department chairmen would be disruptive of the established merit system.

5. Mascoma Valley Regional Education Association by its representative on June 10, 1977, Sally Potter, orally argued that the department chairmen were not supervisory and while they did participate in teacher evaluations, their comments were not determinative nor final.

Witness, Peter McShane, a Department Chairman in the Mascoma school system, testified that as head of the Social Studies and Department Chairman he did in fact devote the majority of his time to teaching classes and, further, he was required to perform certain other duties besides teaching; such as, bus duties, hallway supervision and coaching baseball.

6. The evidence presented by both parties was not persuasive to the PELRB to the extent that the hearing examiner's decision was incorrectly made. While there appeared to be minimal evidence that the department chairmen did perform very limited supervisory duties and did participate in certain evaluations, the evaluations were not final nor determinative; further, the inclusion of the department chairmen would not be a bar to the operations of the established merit system.
7. The Public Employee Labor Relations Board considered all the oral evidence and exhibits before it in this case and rules, as follows:

DECISION AND ORDER

The Board upholds the decision of the Hearing Officer, Richard H. Cummings, made at the May 17, 1977 conference and rules that the Department Chairman shall be included in the bargaining unit of the Mascoma Valley Regional School District.


EDWARD J. HASELTINE, CHAIRMAN